

Notice of Allowability

Application No.

09/856,336

Examiner

Maria B. Marvich, PhD

Applicant(s)

BUTT ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE 3/15/06.
2. ☒ The allowed claim(s) is/are 1, 3-35 and 37-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

This office action is in response to an amendment and request for continued examination filed 3/15/06. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/06 has been entered.

Claims 2 and 36 have been cancelled. Claims 1, 24, 25, 30-33, 37, 43, 48 and 49 have been amended. Claims 1, 3-35 and 37-49 are pending in this office action.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Katharine Piffat on 6/7/06.

The claims have been amended accordingly:

In claim 24, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

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In claim 25, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

In claim 30, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

In claim 31, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

In claim 32, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

In claim 33, line 1, the phrase "A biphasic" prior to extraction mixture has been deleted and replaced with the word -- An--.

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Insert after page 8 and before the claims.

-- ABSTRACT

A method for isolating plasmids DNA from a DNA containing material which comprises plasmid DNA and genomic DNA, comprising extracting the plasmid DNA into a water-immiscible organic solvent, a chaotrope and water under conditions to denature the genomic DNA and recovering the plasmid DNA from the organic phase. —

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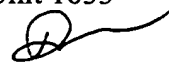
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nguyen, PhD can be reached on (571)-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Maria B Marvich, PhD
Examiner
Art Unit 1633



DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER

June 7, 2006

Examiner's Amendment

Insert after page 8 and before the claims.

-- ABSTRACT

A method for isolating plasmids DNA from a DNA containing material which comprises plasmid DNA and genomic DNA, comprising extracting the plasmid DNA into a water-immiscible organic solvent, a chaotrope and water under conditions to denature the genomic DNA and recovering the plasmid DNA from the organic phase. —

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Maria B Marvich, PhD
Examiner
Art Unit 1633

May 26, 2006


DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER